

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION**

Pennsylvania National Mutual Casualty )  
Insurance Company, as subrogee of )  
John F Stroud & Son Inc and )  
Harry T Rivers, )

Plaintiff, )

v. )

Harold F Tanner, Sr and )  
Sid Calvin Legette, )

Defendants. )  
\_\_\_\_\_ )

Civil Action No. 4-10-cv-00391-JMC

**OPINION AND ORDER**

This matter is now before the court upon Defendants’ Motion to Enjoin Contribution [38]. Defendants argue that Plaintiff’s contribution action against Defendants should be enjoined because, Defendants allege, Plaintiff failed to properly consult or give notice to Defendants prior to resolving the underlying action.

The South Carolina Uniform Contribution Among Tortfeasors Act (the “Act”), S.C. Code Ann. §§ 15-38-10–70, governs the right of contribution among tortfeasors. The Act does not contain a requirement that a tortfeasor seeking contribution consult or give notice about the settlement to the tortfeasor from whom contribution is sought, prior to resolving the underlying action.

Accordingly, Defendants’ Motion to Enjoin Contribution [38] is **DENIED**. The court notes that in denying Defendants’ Motion, the court makes no representation as to Defendants’ liability in the underlying action.

**IT IS SO ORDERED.**

*J. Michelle Childs*

---

United States District Judge

March 15, 2012  
Greenville, South Carolina